

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Chevelle Leftwich, ) C/A No. 9:09-1995-JFA-BM  
 )  
 Plaintiff, )  
 v. ) ORDER  
 )  
 City of Columbia Police Department; and )  
 City of Columbia, )  
 )  
 Defendants. )  
 )

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This action was removed to this court by the defendants on July 29, 2009. The plaintiff's original state court action raised claims under 42 U.S.C. § 1983 as well as state law claims involving wrongful arrest, malicious prosecution, violation of civil rights, and breach of duty of care.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a thorough Report and Recommendation and opines that the defendants' motion to dismiss and/or for summary judgment should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on October 21, 2010. However, neither

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

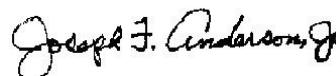
party filed objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific reference.

Accordingly, defendants' motion for summary judgment is granted as to plaintiff's federal constitutional claim and the plaintiff's three remaining state law causes of action are remanded back to state court for disposition.

IT IS SO ORDERED.

November 30, 2010  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge